

REMARKS

Claims 1-11 and 13-20 are pending in this application. By this Amendment, claims 13, 15, 17, 19 and 20 are amended. No new matter is added. Reconsideration of the application is respectfully requested.

Applicants gratefully appreciate the courtesies extended to Applicants' representative by Examiner Cantelmo during the November 30, 2004 telephone interview. The points discussed are incorporated into the following remarks, and constitute Applicants' separate record of the interview.

I. Claim Objection

The Office Action objects to claim 19 because of informalities. Claim 19 is amended to obviate the objection. Accordingly, withdrawal of the objection is respectfully requested.

II. Rejection Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-11 and 13-20 under 35 U.S.C. §112, second paragraph, as indefinite. Specifically, the Office Action asserts that the term "targeted" is not defined by the claim and the specification does not provide a standard for ascertaining a requisite degree so that one of ordinary skill in the art would be reasonably apprised of the scope of the invention. Applicants respectfully traverse the rejection.

MPEP 2111.01 states that "the words of a claim must be given their plain meaning unless [A]pplicant has provided a clear definition in the specification." "Plain meaning refers to the 'ordinary' and the 'customary' meaning given to the term by those of ordinary skill in the art."

The plain meaning of the term "targeted" means to aim at or for, and the plain meaning of term "cooling" means to make less warm. Accordingly, one of ordinary skill in the art would understand that phrase "targeted cooling" of an object to mean cooling aimed at or for that particular object.

The specification discloses that a targeted cooling site is a site that is heated, or where the temperature increases during sputtering. See page 4, lines 25-26. Thus, the targeted cooling site corresponds to an electrode other than the one holding the sample. The specification discloses that cooling may be limited only to substantially heated portions. See page 4, lines 26-29. Specifically, the specification discloses at least partially cooling one or more of the following targeted cooling sites: Fig. 1 - a metal anode 1; Fig. 2 - a cathode 2; Fig. 3 - metal plates 7 (counter electrodes of the metal sample); and Fig. 4 - anode portions 1. See page 4, lines 26-29, page 5, lines 11-16, page 6, lines 2-6 and 15-23. Therefore, the specification clearly identifies that particular objects are targeted for cooling. Accordingly, one of ordinary skill in the art would understand that phrase "targeted cooling" means cooling aimed at or for identified objects.

During the personal interview, Applicants' representative asserted that the phrase "targeted cooling" is fully described in the specification and would be understood by one of ordinary skill in the art. Therefore, Applicants' representative asserted that the phrase "targeted cooling" is definite. However, the Examiner asserted that the phrase "targeted cooling" is unclear. Specifically, the Examiner asserted that the term "targeted cooling" could be interpreted as a range of temperatures required for cooling. Therefore, the Examiner asserted that he intends to maintain the rejection of claims 1-11 and 13-20 under 35 U.S.C. §112, second paragraph, as indefinite.

The Examiner indicated that amending independent claims 13, 15, 17, 19 and 20 to delete the term "targeted" would likely overcome the rejection under 35 U.S.C. §112, second paragraph.

While Applicants respectfully disagree that the phrase "targeting cooling" is indefinite for the reasons discussed above, Applicants amend independent claims 13, 15, 17, 19 and 20 to delete recitation of the term "targeted" as suggested by the Examiner to expedite

prosecution of the application. It is respectfully submitted that the claims are not narrowed by such amendments.

Accordingly, the disclosure fully describes the subject matter of claims 13, 15, 17, 19 and 20. Applicants submit that claims 13, 15, 17, 19 and 20 are definite. Claims 1-11, 14, 16 and 18 are rejected solely for their dependency from claims 13 and 15. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 and 13-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: December 17, 2004

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